

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEON STAMBLER,

Plaintiff,

V.

FISERV, INC. and CHECKFREE
CORPORATION,

Defendants.

CIVIL ACTION NO. 2:08-CV-283

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff LEON STAMBLER files this Original Complaint against Defendants FISERV, INC. and CHECKFREE CORPORATION (collectively, “Defendants”), alleging as follows:

I. THE PARTIES

1. Plaintiff LEON STAMBLER (“Stambler”) is a citizen of the State of Florida. Stambler resides in Parkland, Florida.

2. FISERVE, INC. (“Fiserv”) is a Wisconsin corporation with its principal place of business at 255 Fiserv Drive, Brookfield, Wisconsin 53045.

3. CHECKFREE CORPORATION (“CheckFree”) is a Delaware corporation with its principal place of business at 4411 East Jones Bridge Road, Norcross, Georgia 30092. CheckFree is a wholly owned subsidiary of Fiserv.

II. JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under Title 28 U.S.C. §1331 and §1338(a).

5. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b). Each Defendant has substantial contacts with the forum as a result of substantial business conducted within the State of Texas and within this District. Upon information and belief, each Defendant has employees in the State of Texas and within this District. Each Defendant maintains physical locations within the State of Texas, and Defendant Fiserv maintains physical locations within this District. Upon information and belief, each Defendant conducts business relating to secure online banking, including online bill pay, with and for customers residing in this District. Each Defendant provides these services directly to consumers in this District through its own interactive website(s) (e.g. www.mycheckfree.com) and indirectly to consumers in this District through the provision of products and services to financial institutions who serve consumers in this District. Through the provisions of these services, each Defendant has committed and continues to commit acts of patent infringement in this State and this District.

III. PATENT INFRINGEMENT

6. On August 11, 1998, United States Patent No. 5,793,302 (“the ‘302 patent”) was duly and legally issued for a “Method for Securing Information Relevant to a Transaction.” A true and correct copy of the ‘302 patent is attached hereto as Exhibit “A.” Stambler is the inventor and owner of all rights, title, and interest in and to the ‘302 patent and possesses all rights of recovery under it.

7. Defendants have infringed and continue to infringe, directly, contributorily, and/or through the inducement of others, the ‘302 patent by provision of secure online banking services, including but not limited to online bill pay, in accordance with the claimed methods.

8. Stambler has been damaged as a result of Defendants’ infringing conduct. Defendants are, thus, liable to Stambler in an amount that adequately compensates him for their

infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

9. Upon information and belief, Defendants are aware of the '302 patent, have knowledge of the infringing nature of their activities, have nevertheless continued their infringing activities, and their infringing activities have been and continue to be willful.

IV. JURY DEMAND

Stambler hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Stambler requests that the Court find in his favor and against Defendants, and that the Court grant Stambler the following relief:

- a. Judgment that one or more claims of United States Patent No. 5,793,302 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Stambler all damages to and costs incurred by Stambler because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and services, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That Stambler be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Stambler his reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Stambler be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 21, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Bumgardner", written over a horizontal line.

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